



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 24 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gregory Anderson  
President – Reed Minerals Division of  
Harsco Minerals International  
5000 Ritter Road  
Suite 205  
Mechanicsburg, Pennsylvania 17055

Re: Harsco Minerals International, Slag Processing Facility in Gary, Indiana Administrative  
Consent Order EPA-5-12-113(a)-IN-01

Dear Mr. Anderson:

Enclosed is an executed original of the Administrative Consent Order regarding the  
above captioned case. If you have any questions about the Order, please contact me at  
312-886-6798.

Sincerely,

A handwritten signature in cursive script, appearing to read "William L. MacDowell".

William L. MacDowell  
Section Chief, AECAS (MN/OH)

Enclosure: Administrative Consent Order EPA-5-12-113(a)-IN-01

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-12-113(a)-IN-01</b>
	)	
<b>Harsco Corporation</b>	)	<b>Proceeding Under Section 113(a)(1)(3)</b>
<b>Gary, Indiana</b>	)	<b>of the Clean Air Act, 42 U.S.C. § 113(a)(1)(3)</b>
	)	

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Harsco Corporation (Harsco) under Section 113(a)(1)(3) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1)(3).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

3. On May 30, 2008, 73 Fed. Reg. 23356, EPA approved Indiana Administrative Code (IAC) at 326 IAC 6.8-10-3 as part of the federally enforceable state implementation plan (SIP) for Indiana.

4. 326 IAC 6.8-10-3 requires particulate matter emissions from source wide activities shall be a zero percent frequency of visible emission observations from a building enclosing all or part of the material processing equipment, except from a vent in the building.

5. On October 17, 1995, 60 Fed. Reg. 43008, EPA approved 326 IAC 2-8-5 as part of the federally enforceable SIP for Indiana. 326 IAC 2-8-5 requires, among other things, that in order to comply with Harsco's Federally Enforceable State Operating Permit (FESOP) F089-27389-00107 Conditions:

- a. D.1.1 - PM, PM10, and PM2.5 Limitations,
- b. D.1.2 - PM10 Limitations, and
- c. D.1.3 - PM Limitations,

the baghouse CE02-14 controlling the PM, PM10, and PM2.5 emissions from the dry slag processing area shall be in operation and control PM, PM10, and PM2.5 emissions at all times that these units are in operation.

6. Permit F089-27389-00107 at Section C.14(a), states that upon detecting an excursion or exceedance, the Permittee shall restore operation of the emission unit (including any control device and associated capture system) to their normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

7. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP.

### **Findings**

8. Harsco owns and operates a facility at 7100 West 9<sup>th</sup> Avenue, in Gary, Indiana (the Facility).

9. The Facility is a stationary source as defined in the CAA and the Indiana SIP.

10. The Indiana Department of Environmental Management (IDEM) issued a FESOP, identified as F089-27389-00107, to Harsco on October 19, 2009.

11. Harsco operates an enclosed dry slag processing operation at the Facility.

12. A building encloses certain material processing equipment, including crushers, screens, conveyors, bucket elevators, blend silos, roofing silos, blasting silos and chutes.

13. The crushers, screens, conveyors, bucket elevators, roofing silos, blasting silos and chutes are emission units.

14. Harsco owns and/or operates a baghouse, identified as CE02-14, located outside its enclosed dry slag processing area at the Facility.

15. Harsco's enclosed dry slag processing area is subject to 326 IAC 6.8-10-3 and 326 IAC 2-8-5(a)(4).

16. EPA issued a Notice and Finding of Violations (NOV/FOV) to Harsco on September 23, 2011, which alleged that Harsco failed to comply with 326 IAC 6.8-10-3, 326 IAC 2-8-5(a)(4) and the permit conditions in Harsco's FESOP.

17. EPA alleges that Harsco failed to prevent visible PM emissions from leaving the building enclosing the dry slag processing equipment in violation of the Indiana SIP at 326 IAC 6.8-10-3.

18. EPA alleges that Harsco failed to prevent visible PM emissions from leaving the building enclosing the dry slag processing equipment in violation of Harsco's FESOP F089-27389-00107, condition at Section C.6(h).

19. EPA alleges that Harsco failed to have its baghouse control the PM emissions from the dry slag processing operation at its Gary facility in violation of Harsco's FESOP F089-27389-00107, condition at Section D.1.6.

20. EPA alleges that Harsco's failure to restore operations of the emission units (crushers, screens, conveyors, bucket elevators, blend silos, roofing silos, blasting silos and chutes) inside the building upon detecting the exceedances to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices

for minimizing emissions is a violation of Harsco's FESOP F089-27389-00107, condition at Section C.14 (a).

21. Harsco's consultant completed an Air Flow Study at the Facility to investigate methods to minimizing particulate matter emissions from its processes for the purposes of improving industrial hygiene. The Air Flow study was conducted voluntarily by Harsco, independent of any EPA allegations or requirements and prior to EPA's June 2011 inspection. This study recommended measures to optimize dust capture and airflow to the baghouse to reduce fugitive emissions from leaving the building enclosing the dry slag operations. Harsco completed all of the recommendations of the Air Flow Study on February 28, 2012.

22. Harsco completed repairs of all openings in the building enclosing the dry slag operations on or before May 17, 2012. The openings were alleged to be sources of visible emissions observed during a June 2011 inspection.

23. Harsco removed the residual finished product under the screw conveyer on or before May 17, 2012.

24. On September 13, 2011, Harsco adjusted the baghouse trough spray nozzle to divert the water spray away from the screw conveyor and downstream towards the trough to aid in particulate matter emptied from the baghouse to flow towards the collection ponds. Additionally, it will decrease moisture-caused clogging of the screw conveyor.

#### **Compliance Program**

25. Within 90 days of the effective date of this order, Harsco must submit a revised permit application to IDEM to request that IDEM incorporate the revised fugitive dust control plan (Revised FDCP), attached hereto as Attachment A to this order, into its state operating permit.

26. Harsco must notify EPA that it has submitted its Revised FDCP and shall send notice to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

27. This Order does not affect Harsco's responsibility to comply with other federal, state and local laws.

28. This Order does not restrict EPA's authority to enforce the Indiana SIP or the CAA.

29. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Harsco's violation of the Indiana SIP.

30. Failure to comply with this Order may subject Harsco to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

31. The terms of this Order are binding on Harsco, its assignees and successors. Harsco must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

32. Harsco may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Harsco fails to assert a business confidentiality claim, EPA may make all

submitted information available, without further notice, to any member of the public who requests it.

33. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips.

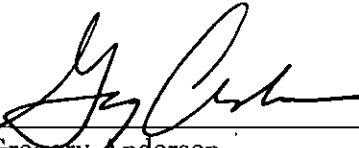
34. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

35. Harsco agrees to the terms of this Order.

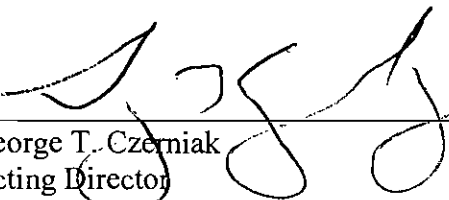
36. Harsco neither admits nor denies the factual allegations in this order.

37. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Harsco has complied with all terms of the Order, or when Harsco has complied with the requirements of Paragraphs 25 and 26 of this Order, whichever is earlier.

6/4/12  
Date

  
\_\_\_\_\_  
Gregory Andersen  
President – Reed Minerals Division of  
Harsco Corporation

6/6/12  
Date

  
\_\_\_\_\_  
George T. Czerniak  
Acting Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5



**ATTACHMENT A: FUGITIVE DUST CONTROL PLAN**  
**HARSCO Minerals**  
**7100 West 9th Avenue, Gary, Indiana**  
**FESOP No.: 089-27389-00107**

*Background*

Fugitive dust sources of significance from this site can be categorized into the following areas:

1. Slag processing building and processing equipment;
2. Loadout;
3. Areas adjacent to slag processing areas;
4. Roadways;
5. Fines stockpiles; and
6. Inactive ground level areas not dedicated to any particular use.

Total site size is 36.4 acres unpaved with 10,560 yd<sup>2</sup> of unpaved roadway (.6mi. x 10 yds).

*Plan of Control*

A. Person responsible for plan implementation:

Plant Superintendent  
7100 West 9th Avenue  
Gary, Indiana  
(219) 944-6250

B. Slag Processing Building and Processing Equipment Control Measures

1. Monthly visual inspections shall be conducted of all building enclosures, outside chutes, and outside elevators for openings, not in the original or custom design, greater than 2" in diameter. Any such openings must be closed within 4 business days. A record must be maintained of the date of the visual inspections, the resulting observations, and the date of any repair.
2. Slag processing building doors shall be kept closed (except for immediate access, maintenance, servicing, and cleaning activities).
3. Monthly visual inspections shall be conducted of process equipment and associated ductwork (while the equipment is in normal operation), that is required by the FESOP to be controlled by the baghouse for openings greater than 2" in diameter, not in the original or custom design, through which dust is exiting the process. Any such openings must be closed within 4 business days. A record must be maintained of the date of the visual inspections, the resulting observations, and date of any repair.
4. An annual evaluation shall be conducted inside the slag processing building to identify areas of concern for accumulation of dust that could become airborne and exit the building. Monthly visual inspections shall be conducted of these. Excess accumulated material that could become airborne and exit the building that is identified in monthly inspections shall be removed within 10 days. Areas identified in the annual evaluation that receive three consecutive monthly inspections with no accumulated dust may be removed from the list. A record must be maintained of the date of the annual and monthly inspections, the resulting observations, and all follow-up actions

C. Loadout

1. For finished material loadout, drop-height shall be reduced by the use of the longest static

tube from the bottom of each existing loadout hopper that can still clear the highest clearance receiving equipment, which is typically a railcar.

2. Monthly visual inspections shall be conducted of all loadout discharge pipes for openings, not in the original or custom design, greater than 2" in diameter. Any such openings must be closed within 4 business days. A record must be maintained of the date of the visual inspections, the resulting observations, and the date of any repair.

D. Outside Areas Adjacent to Slag Processing Buildings

1. Spills and other accumulated material from activities associated with slag processing shall be cleaned up promptly and the areas within 15 feet of the perimeter of buildings and equipment shall be kept at grade (except for material storage areas).

E. Roadway Control Measures

1. All active entrance roadways shall be clearly marked and traffic shall be restricted to controlled areas.
2. All vehicles shall not exceed 5 mph.
3. All active roadways shall be inspected daily to assure nominal thickness (2") of coarse aggregate oversize is maintained on all traffic areas. Required material shall be placed by an on-site front loader and/or dump truck. As an alternative to maintaining 2" coarse aggregate on roadways, a water truck can be used as needed to minimize fugitive dust.
4. Monthly representative incoming roadway (defined as gate to truck scale) aggregate samples shall be taken and analyzed to assure silt content (200 mesh) is less than 3%.

F. Fines stockpile control measures

Note: Raw material stockpiles are exempt from this plan, because silt content is .2% and moisture content is typical 5%.

1. Storage pile height shall be limited to 50 feet.
2. End loader bucket drop height shall be minimized to the lowest practical elevation.
3. Water shall be applied to fines stockpiles to control fugitive dust when necessary.
4. Water will not be applied to fines stockpiles when the following conditions prevail.
  - a. During freezing weather, typically between October 15 and April 15.
5. RMD completed a "green belt" alternatives study for fugitive dust control as follows:
  - a. Summer 1986 (June 1 – August 31) Select landscape consultant.
  - b. Fall 1986 (September 1 – October 31) Implement vegetative growth test areas.
  - c. Winter 1986 (November 1 – February 28) Inspect test areas, Document growth progress, Reseed winter damaged areas.
  - d. Spring 1987 (March 1 – May 30) Continue documentation of growth areas. Monitor and document progress.
  - e. Summer 1987 (June 1 – August 31) Review test program. Determine the most viable method of establishing a green belt on site. Prepare for Phase I implementation.
  - f. Fall 1987 (September 1 – October 31) Review test areas and evaluate results. Implement Phase I green belt control plan.
  - g. Spring 1988 (March 1 – April 30) Review and evaluate implementation of green

belt project. Prepare to implement Phase II construction of green belt. Repair any winter damage.

- h. Fall 1988 (May 1 – October 31) Implement Phase II green belt construction.
- i. Spring 1989 (March 1 – May 31) Review control plan and determine whether additional controls are required.

G. Open areas (Inactive)

- 1. All such classified areas shall be closed to truck traffic, except by special permit.
- 2. Natural vegetative encroachment shall be allowed and promoted. Green belt establishment such as this forbids the use of surface control chemicals which contaminate the existing surface and/or prevent vegetative root penetration.
- 3. All open areas with the greatest potential for reactivation as storage for fines shall be covered with oversize aggregate, as set forth in the roadway control measures.

H. All employees shall be trained as to the contents of this Plan annually or as procedure changes are made to this Plan.

I. Fugitive dust controls shall be inspected for compliance with this Plan according to the following:

1. Slag Processing Building Control Measures

- a. All slag processing building control measures outlined in this Plan shall be inspected at least monthly.

2. Loadout Control Measures

- a. All loadout control measures outlined in this Plan shall be inspected at least monthly.

3. Outside Areas Adjacent to Slag Processing Buildings

- a. All outside areas adjacent to slag processing buildings shall be inspected at least monthly.

4. Roadway Control Measures

- a. All roadway control measures shall be inspected at least monthly.

5. Fines stockpile control measures

- a. All fines and stockpile control measures shall be inspected at least monthly.

J. Fugitive dust inspection records shall be kept and maintained which document all control measures and activities to be implemented in accordance with the approved control plan. Said records shall be available upon the request of the Indiana Department of Environmental Management or the Gary Department of Environmental Affairs, and shall be retained for three (3) years.

K. Plan Implementation

The effective date of this plan was August 1, 1986.  
Date of update: May 31, 2012.

RECEIVED  
MAY 31 1989

100-1-100

RECEIVED  
MAY 31 1989

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-12-113(a)-IN-01 by certified mail, return receipt requested, to:

Gregory Andersen  
President – Reed Minerals Division of  
Harsco Corporation  
5000 Ritter Road  
Suite 250  
Mechanicsburg, Pennsylvania 17055

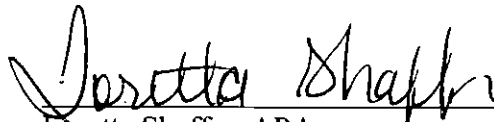
James M. Hauck  
Hatchett & Hauck, LLP  
111 Monument Circle, Suite 301  
Indianapolis, IN 46204-5124

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-12-113(a)-IN-01, by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
MC 61-53, IGCN 1003  
Indianapolis, Indiana 46204-2251

Rick Massoels  
Air Compliance  
Indiana Department of Environmental Management  
8380 Louisiana Street  
Merrillville, Indiana 46410

On the 24 day of August 2012.

  
\_\_\_\_\_  
Loretta Shaffer, APA  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 6397